

FIRST AMENDMENT TO THE DIAMOND ALKALI SUPERFUND SITE
SIX MONTH TOLLING AGREEMENT

This Agreement is entered into on May 24, 2019 between the United States, on behalf of the United States Environmental Protection Agency, and the undersigned Potentially Responsible Parties (hereinafter, "Cooperating Parties"). The undersigned representative of each party certifies that he or she is fully authorized to enter into the terms and conditions of this Agreement, and to execute and bind such party to this document.

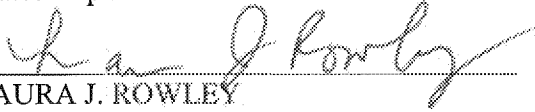
The parties agree as follows:

1. That the Tolling Period established by Paragraph 1 of the Diamond Alkali Superfund Site Six Month Tolling Agreement is hereby amended to substitute "February 14, 2020" for "August 16, 2019," so that the Tolling Period shall extend without interruption from February 15, 2019 through February 14, 2020.
2. All other provisions of the Diamond Alkali Superfund Site Six Month Tolling Agreement remain unchanged and continue in full force and effect under its terms.
3. This First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement may be signed in counterparts.

The United States, on behalf of the United States Environmental Protection Agency, consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representatives.

ROBERT E. MAHER
Assistant Section Chief
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice

By:

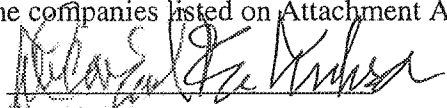

LAURA J. ROWLEY

Senior Attorney
Environmental Enforcement Section
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044

A group of Cooperating Parties, identified in Attachment A, have authorized Shook, Hardy & Bacon LLP, David R. Erickson, to sign this extension to six-month agreement on their behalf. The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative on this 17th day of May, 2019.

For: The companies listed on Attachment A.

By:


Signature

David R. Erickson

Printed Name

Partner at Shook, Hardy & Bacon – Counsel for the Small Parties Group
Title

2555 Grand Blvd.

Kansas City, MO 64105

Address

816-474-6550

Phone Number

derickson@shb.com

Email address

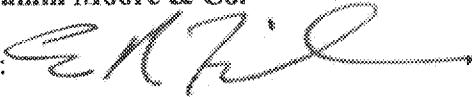
Attachment A

1. 21st Century Fox America, Inc.
2. Arkema Inc
3. Ashland LLC
4. Atlantic Richfield Company
5. BASF Corporation (on its own behalf and on behalf of BASF Catalysts LLC)
6. Berol Corporation
7. CBS Corporation
8. Coats & Clark Inc.
9. Congoleum Corporation
10. Conopco, Inc., d/b/a Unilever (as successor to CPC/Bestfoods, former parent of Penick Corporation)
11. CNA Holdings, LLC. and Celanese Ltd.
12. DII Industries, LLC
13. E. I. du Pont de Nemours and Company
14. Emerald Kalama Chemical, LLC
15. EnPro Holdings, Inc. (successor to Coltec Industries, Inc.)
16. EPEC Polymers Inc. (El Paso Tennessee Pipeline Co.)
17. Essex Chemical Corporation
18. Franklin-Burlington Plastics, Inc.
19. Givaudan Fragrances Corp.
20. Goodrich Corporation
21. Hoffman- LaRoche Inc.
22. Honeywell International Inc.
23. ISP Chemicals LLC
24. Kalama Specialty Chemicals, Inc.
25. Leemilt's Petroleum, Inc.
26. Newell Brands Inc. (f/k/a/ Newell Rubbermaid Inc)
27. Nokia of America Corporation
28. Noveon Hilton Davis, Inc.
29. Otis Elevator Company
30. Pharmacia LLC
31. Pitt-Consol Chemical Company
32. Purdue Pharma Technologies Inc.
33. Quala Systems, Inc.
34. Quality Carriers, Inc.
35. Revere Smelting and Refining Corporation
36. Safety-Kleen Envirosystems Company / McKesson Corporation
37. Stanley Black & Decker, Inc.
38. STWB, Inc.
39. Sun Chemical Corporation
40. Tectron, Inc.
41. The Hartz Mountain Corporation
42. The Newark Group, Inc.
43. The Okonite Company, Inc.

44. The Sherwin Williams Co.
45. Tiffany & Company

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Benjamin Moore & Co.

Signature: 

Printed Name: Eric R. Finkelman

Title: Vice-President & General Counsel

Address: 101 Paragon Drive, Montvale, NJ 07645


Phone Number: (201) 949-6522

Email: eric.finkelman@benjaminmoore.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Canning Gumm, LLC

Signature:

A handwritten signature in cursive script, appearing to read "Catherine E. Bostock".

Printed Name: Catherine E. Bostock, Esq.

Title: Counsel for Canning Gumm, LLC

Address: Cole Schotz P.C.
25 Main Street
Hackensack, NJ 07601

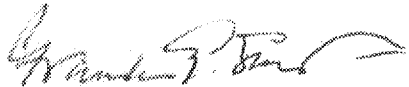
Phone Number: (201) 525-6312

Email: cbostock@coleschotz.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For:
Chevron Environmental Management Company, a California corporation

Signature:



Printed Name: Frank G. Soler
Title: Assistant Secretary
Address: 6001 Bollinger Canyon Road
San Ramon, CA 94583
Phone Number: 925-842-1000
Email: Frank.Soler@chevron.com

Texaco Inc., a Delaware corporation

Signature:



Printed Name: Michael W. Woody
Title: Assistant Secretary
Address: 6001 Bollinger Canyon Road
San Ramon, CA 94583
Phone Number: 925-842-1000
Email: MWoody@chevron.com

TRMI-H LLC, a Delaware limited liability company

Signature:



Printed Name: Grace P. Nerona
Title: Assistant Secretary
Address: 6001 Bollinger Canyon Road
San Ramon, CA 94583
Phone Number: 925-842-1000
Email: GNerona@chevron.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: COOPER INDUSTRIES, LLC

Signature:

Printed Name: John F. Cermak, Jr.

Title: Attorney and Authorized Signatory

Address: c/o Cermak & Inglin, LLP
12121 Wilshire Blvd., Suite 322
Los Angeles, CA 90025

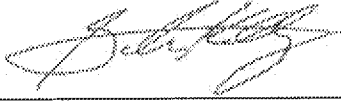
Phone Number: (424) 465-1531

Email: jcermak@cermaklegal.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Covanta Essex Company

By:



Signature

Barbara Hopkinson Kelly, Esq.
Printed Name

Attorney for Covanta Essex Company
Title

Wilson Elser Moskowitz Edelman & Dicker LLP

200 Campus Drive


Florham Park, NJ 07932
Address

973-735-5765
Phone Number

barbara.kelly@wilsonelser.com
Email address

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Croda, Inc.

Signature: 

Printed Name: Stephen Swedlow

Title: Counsel for Croda, Inc.

Address: 191 N. Wacker Drive, Suite 2700, Chicago IL 60606

Phone Number: (312) 704-7488

Email: stephenswedlow@quinnemanuel.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Garfield Molding Co., Inc. (by counsel)

Signature:

A handwritten signature in dark ink, appearing to read 'Patrick J. McStravick', written over a horizontal dotted line.

Printed Name: Patrick J. McStravick

Title: Attorney


Address: Ricci Tyrrell Johnson & Grey
1515 Market Street
Philadelphia, PA 19102

Phone Number: (215) 320-3260

Email: pmcstravick@rtjglaw.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: General Electric Company

Signature: 

Printed Name: Gary P. Gengel

Title: Attorney for General Electric Company

Address:
Latham & Watkins LLP
885 Third Avenue
New York, NY 10022

Phone Number: 212-906-1200

Email: gary.gengel@lw.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Harris Corporation for itself and as successor in interest to Exelis Inc., successor in interest to ITT Corporation with respect to its former facility in Clifton and Nutley, New Jersey

Signature:



Printed Name: Susanne Peticolas

Title: Counsel for Harris Corporation, for itself and as successor in interest to Exelis Inc., successor in interest to ITT Corporation with respect to its former facility in Clifton and Nutley, New Jersey

Address: Gibbons PC
One Gateway Center
Newark, NJ 07102

Phone Number: 973-596-4751

Email: speticolas@gibbonslaw.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Hexcel Corporation

Signature: 

Printed Name: Joshua B. Frank

Title: Partner, Baker Botts L.L.P. (counsel for Hexcel Corporation)

Address: 1299 Pennsylvania Ave NW Washington, D.C. 20004

Phone Number: 202.639.7700

Email: Joshua.Frank@bakerbotts.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Legacy Vulcan, LLC

Signature: 

Printed Name: Edward Lewis

Title: Attorney

Address: Norton Rose Fulbright US LLP
1301 McKinney Suite 5100
Houston, TX 77010

Phone Number: 713 651 3760

Email: eddie.lewis@nortonrosefulbright.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Tolling Agreement by its duly authorized representative on this 10th day of May, 2019.

For: National-Standard LLC

By:



Signature

Barbara Hopkinson Kelly, Esq.
Printed Name

Attorney for National-Standard LLC
Title

Wilson Elser Moskowitz Edelman & Dicker LLP

200 Campus Drive

Florham Park, NJ 07932
Address

973-735-5765

Phone Number

barbara.kelly@wilsonelser.com

Email address

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: PPG Industries, Inc.

Signature: 

Printed Name: Gary P. Gengel

Title: Attorney for PPG Industries, Inc.

Address:
Latham & Watkins LLP
885 Third Avenue
New York, NY 10022

Phone Number: 212-906-1200

Email: gary.gengel@lw.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Pabst Brewing Company, LLC

Signature:

A handwritten signature in black ink, appearing to read "Richard J. Ericsson". The signature is fluid and cursive, with a large initial "R" and "E".

Printed Name: Richard J. Ericsson, Esq.

Title: Counsel for Pabst Brewing Company, LLC

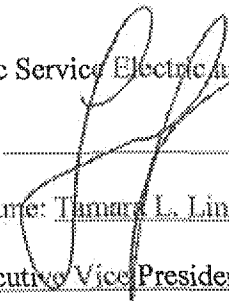
Address: Cole Schotz P.C.
25 Main Street
Hackensack, NJ 07601

Phone Number: (201) 525-6346

Email: rericsson@coleschotz.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Public Service Electric and Gas Company and PSEG Fossil, LLC

Signature:  _____

Printed Name: Tamara L. Linde, Esq.

Title: Executive Vice President and General Counsel


Address: 80 Park Plaza
Newark, NJ 07101

Phone Number: (973) 430-8058

Email: Tamara.Linde@pseg.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Royce Associates, a Limited Partnership

Signature: 

Printed Name: Jacob Grouser

Title: Attorney for Royce Associates, a Limited Partnership

Address: 40 Paterson St, PO Box 480
New Brunswick, NJ 08903

Phone Number 732-545-4717

Email: jgrouser@hoaglandlongo.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Sequa Corporation

Signature: 

Printed Name: Gary P. Gengel

Title: Attorney for Sequa Corporation

Address:
Latham & Watkins LLP
885 Third Avenue
New York, NY 10022

Phone Number: 212-906-1200

Email: gary.gengel@lw.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Tate & Lyle Ingredients Americas LLC

Signature: 

Printed Name: John R. Holsinger

Title: Attorney

Address: Two University Plaza
Suite 300
Hackensack, NJ 07601

Phone Number: (201) 487-9000

Email: johnh@jrholdersinger.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: [Company Name] *Alden Leads, Inc.*

Signature: *Andrew Epstein*

Printed Name: *ANDREW EPSTEIN*

Title: *Pres.*

Address: *55 JACOBUS Ave Kearny NJ 07032*

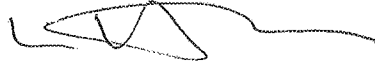
Phone Number: *973 589 3544*

Email: *ANDYEPST@AOL.COM*

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: [Company Name] Alliance Chemical Inc.

Signature:



Printed Name:

Lee Henig-Elona

Title:

Attorney

Address:

Gordon Rees

18 Columbia TpK, Florham PK NJ

Phone Number:

973 549 2520


07933

Email:

lhenig-elona@grsm.com

The undersigned ~~Cooperating Party~~ ^② consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Atlas Refinery, Inc.

Signature:  5/12/19

Printed Name: Thomas H. Prol for Laddey Clark & Ryan, LLP

Title: Attorney at law of NJ, Counsel to Atlas Refinery, Inc.

Address: Laddey Clark & Ryan, LLP
60 Blue Heron Rd., Suite 300 Sparta, NJ 07871

Phone Number: 973-729-1880

Email: tprol@lclrlaw.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Borough of East Newark

Signature: 

Printed Name: Neil D. Marotta

Title: Borough Attorney

Address: 3916 Bergenline Avenue, Suite 2200
Union City, NJ 07087

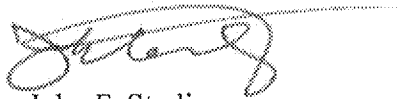
Phone Number: 201-552-9200

Email: mgclawyers@aol.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Darling Ingredients Inc.

Signature:

A handwritten signature in black ink, appearing to read "John F. Sterling", written over a horizontal dotted line.

Printed Name: John F. Sterling

Title: EVP – General Counsel

Address: 251 O'Connor Ridge Blvd., Suite 300
Irving, Texas 75038

Phone Number: 972-281-4402

Email: jsterling@darlingii.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Elan Chemical Company , Inc.

Signature:



Printed Name: Jocelyn Kapp Manship

Title: President

Address: 268 Doremus Ave.
Newark, NJ 07105

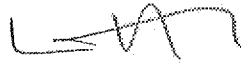
Phone Number: (973) 344-8014

Email: jmanship@elan-chemical.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: [Company Name] Kearny Smelting + Ref.

Signature:



Printed Name:

Lee Henig-Elona

Title:

Attorney Gordon Rees

Address:

18 Columbia Tpk, Florham Park
NJ 07933

Phone Number:

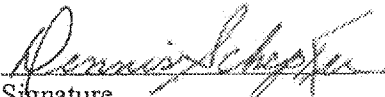
973 549-2520

Email:

lhenig-elona@grsm.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Neu Holdings U.S. Corporation

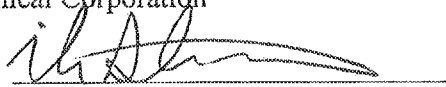
By: 
Signature

Dennis Schepker
Corporate Secretary
Neu Holdings U.S. Corporation
c/o Eden Wood Realty LLC
47 Parsippany Road
Whippany, NJ 07923
973.428.0065
dennis@edenwoodrealty.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Occidental Chemical Corporation

Signature:

A handwritten signature in black ink, appearing to read "Mike Anderson", written over a horizontal line.

Printed Name: Mike Anderson

Title: Vice President

Address: 5 Greenway Plaza, Suite 110
Houston, TX 77046

Phone Number: (713) 350-4925

Email: Mike_Anderson@oxy.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: PASSAIC VALLEY SEWERAGE COMMISSION

Signature:


MICHAEL D. WITT, ESQ.

General Counsel

600 Wilson Avenue
Newark, NJ 07105
(973) 817-5944
mwitt@pvsc.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: [Company Name] Teval Corp.

Signature:



Printed Name:

Lee Henig-Elona

Title:

Attorney

Address:

Gordon Rees 18 Columbia Tpk
Florham Park NJ 07933

Phone Number:

973-549-2520

Email:

Lhenig-elona@grsm.com

The undersigned Cooperating Party consents to the terms and conditions of this First Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: WestRock-Southern Container, LLC

Signature:



Printed Name: Gail Howie Conenello, Esq.

Title: Counsel for WestRock-Southern Container, LLC

Address: K&L Gates LLP, One Newark Center, Newark, NJ 07102

Phone Number: 973-848-4048

Email: gail.conenello@klgates.com